

## REMARKS

Re-examination and allowance of the present application is respectfully requested.

Claims 3 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,490,265 to SASAKI (hereinafter SASAKI). Claims 4, 5 and 12 stand rejected under 35 U.S.C. §103 as being obvious over SASAKI in view of U.S. Patent 6,539,047 to MOON. Applicant respectfully traverses both grounds of rejection.

According to a feature of the present invention, as discussed at, for example, pages 10 and 11 of Applicant's specification, a random timing generator produces arbitrary timings that are random. Applicant submits that at least this feature of the present invention is not disclosed by SASAKI.

A review of SASAKI discloses that a timing signal is despread at a first timing, while a second despread pilot signal is despread at a second timing earlier than the first timing, and a third despread pilot signal is despread at a third timing later than the first timing. Such despreadings occur at regular timings. That is, they are not random.

By the current amendment, Applicant amends claims 3 and 11 to clarify the above-discussed feature. In view of the current amendment, Applicant submits that

the present invention, as defined by amended claims 3 and 11, are not anticipated by SASAKI. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §102(e) rejection of claims 3 and 11.

Regarding the 35 U.S.C. §103 rejection of claims 4, 5 and 12, Applicant notes that SASAKI is assigned to Matsushita Electric Industrial Co., Ltd., and that the present application is assigned to the same assignee. Applicant submits that pursuant to 35 U.S.C. §103(c), SASAKI does not qualify as a valid reference on the ground that the subject matter therein and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person (e.g., Matsushita). Thus, Applicant submits it is not necessary to further discuss this rejection. Accordingly, Applicant submits that the 35 U.S.C. §103 rejection is inappropriate, and respectfully requests withdrawal of this rejection.

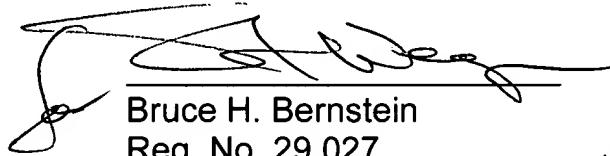
#### SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
K. ANDO et al.



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